

September 10, 2024

VIA ECF

Magistrate Judge Peggy Kuo
United States District Court
Eastern District of New York
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**Re: *State Farm Mut. Auto. Ins. Co. v. Metro Pain Specialists P.C.*, 21-cv-5523 (E.D.N.Y.) –
Text Order of August 8, 2024, and Damon Minus Deposition**

Dear Judge Kuo:

Plaintiffs State Farm Mutual Automobile Insurance Co. and State Farm Fire and Casualty Co. (collectively, “Plaintiffs”) respectfully write to request the Court’s assistance in resolving the question of whether Nima Ameri, Esq. may continue to represent nonparty Damon Minus at a deposition presently scheduled for September 13, 2024, given Ameri’s failure to comply with this Court’s Text Order entered August 8, 2024 (the “Order”).

On August 8, 2024, this Court held a hearing on Plaintiffs’ motion to disqualify Mr. Ameri as counsel for Minus [Dkt. 559] (the “Motion to Disqualify”) and Minus’s cross motion to quash Plaintiffs’ subpoena seeking his testimony at a deposition [Dkt. 594] (the “Motion to Quash”). Following oral argument, the Court issued the Order denying the Motion to Disqualify “on the condition that Mr. Damon Minus executes a written waiver that (1) affirms his understanding that Attorney Ameri previously represented, and currently represents, Defendant Yan Moshe, and (2) Mr. Minus waives any conflict of interest.” The Order set a deadline for Mr. Ameri to file the conflicts waiver on the docket by August 14, 2024. The Court separately denied the Motion to Quash.

Mr. Ameri did not file the required conflicts waiver by August 14, 2024, and to date has not done so. Plaintiffs have attempted to obtain Mr. Ameri’s compliance with the Order, inquiring about the status of the waiver and deposition on multiple occasions, most recently on August 30. Despite assurances a waiver would be obtained and filed, none has been provided.

The deposition of Minus is currently scheduled for this **Friday, September 13, 2024**.

The Court’s Order set explicit preconditions for Mr. Ameri to continue to represent Minus in connection with his deposition. Given Mr. Ameri’s failure to comply with the preconditions set by this Court’s Order and the approaching deposition, Plaintiffs respectfully submit Mr. Ameri should be disqualified as counsel for Minus.

Respectfully submitted,

/s/ Christopher T. Cook

Christopher T. Cook